

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KEVIN GAMBLE,

Plaintiff,

9:05-CV-1097
(TJM)(GJD)

v.

J. ISAACS, Officer, Elmira Correctional Facility,

Defendant.

APPEARANCES:

KEVIN GAMBLE
Plaintiff, *pro se*

THOMAS J. MCAVOY, U.S. DISTRICT JUDGE

DECISION AND ORDER

Presently before the Court is an amended complaint filed by Kevin Gamble ("Gamble"). See Docket No. 7. Such complaint was submitted by Gamble in compliance with the Order issued by this Court on September 7, 2005.¹

Since the amended complaint filed by Gill appears to cure the defects that existed in his prior complaint, same may properly be filed with the Court.

WHEREFORE, it is hereby

ORDERED, that the Clerk amend the Court's docket to reflect that Docket No. 6 is a statement in support of the amended complaint, and it is further

¹The Court notes that two documents are docketed as the amended complaint. See Docket Nos. 6 and 7. However, upon review of the documents, this Court has determined that Docket No. 7 is, in fact, the amended complaint.

ORDERED, that the Clerk shall issue a summons and forward it, along with a copy of the amended complaint (Docket No. 7), to the United States Marshal for service upon the defendant, together with a copy of this Order, and it is further

ORDERED, that a formal response to plaintiff's amended complaint be filed by the defendant or his counsel as provided for in the Federal Rules of Civil Procedure subsequent to service of process on the defendant, and it is further

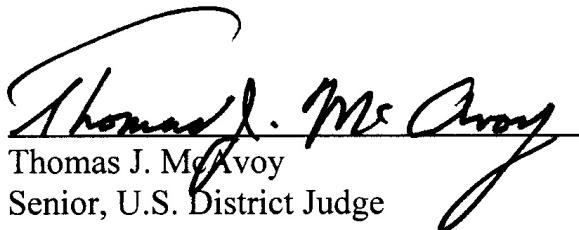
ORDERED, that all pleadings, motions and other documents relating to this action shall be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367. **Any paper sent by a party to the Court or the Clerk shall be accompanied by a certificate setting forth the date a true and correct copy of same was mailed to all opposing parties or their counsel. Any letter or other document received by the Clerk or the Court which does not include a certificate of service which clearly states that an identical copy of same was served upon all opposing parties or their attorneys is to be returned without processing.** Plaintiff shall also comply with any requests by the Clerk's Office for any documents that are necessary to maintain this action. Motions must comply with Local Rule 7.1 of the Northern District of New York and are to be made returnable before the assigned Magistrate Judge on any business day with proper allowance for notice as required by the Rules. **Plaintiff is also required to promptly notify the Clerk's Office of any change in his address; his failure to keep such office apprised of his current address will result in the dismissal of the instant action.** All motions will be

decided on submitted papers, without oral argument, unless otherwise ordered by this Court.

IT IS SO ORDERED.

Dated: November

22, 2005


Thomas J. McAvoy
Senior, U.S. District Judge